United Nations A/53/631

General Assembly

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Fifty-third session
Agenda item 150

Report of the International Law Commission on the work of its fiftieth session

Report of the Sixth Committee

Rapporteur: Mr. Rytis **Paulauskas** (Lithuania)

I. Introduction

1. At its 3rd plenary meeting, on 15 September 1998, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-third session the item entitled "Report of the International Law Commission on the work of its fiftieth session" and to allocate it to the Sixth Committee.

2. The Sixth Committee considered the item at its 13th to 22nd, 32nd and 34th meetings, from 26 to 29 October, and from 2 to 5 and on 17 and 19 November 1998. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/53/SR.13–22, 32 and 34).

3. For its consideration of the item, the Committee had before it the report of the International Law Commission on the work of its fiftieth session.[1]

4. The Chairman of the International Law Commission at its fiftieth session introduced the report of the Commission: chapters I to V at the 13th meeting, on 26 October; chapters VI, VIII and IX at the 17th meeting, on 29 October; and chapters VII and X at the 19th meeting, on 3 November (see A/C.6/53/SR.13, 17 and 19). At the 22nd meeting, on 5 November, the Chairman of the Commission made a statement in the light of the debate (see A/C.6/53/SR.22).

[1] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 10* and corrigendum (A/53/10 and Corr.1).

98-37520 (E) 021298

II. Consideration of draft resolution A/C.6/53/L.16

5. At the 32nd meeting, on 17 November, the representative of *Lesotho* introduced a draft resolution entitled "Report of the International Law Commission on the work of its fiftieth session" (A/C.6/53/L.16), which had been proposed by the Bureau.

6. At the 34th meeting, on 19 November, the representative of *Lesotho* orally revised the draft resolution by inserting a new operative paragraph 9 which read:

> "9. *Takes note* of paragraphs 562 and 563 of the report of the International Law Commission regarding the holding of split sessions as of 2000, requests the Commission to examine the advantages and disadvantages of such split sessions, and decides to return to this matter at its fifty-fourth session".

7. Before the adoption of draft resolution A/C.6/53/L.16, statements in explanation of position were made by the representatives of Mexico, Côte d'Ivoire and France (see A/C.6/53/SR.34).

8. At its 34th meeting, the Committee adopted draft resolution A/C.6/53/L.16, as orally revised, without a vote (see para. 10).

9. After the adoption of the draft resolution, statements in explanation of position were made by the representatives of New Zealand, Portugal, the United States of America, Ireland, Sweden (on behalf of the Nordic States), Austria, Argentina, Venezuela, Greece, Costa Rica and the Netherlands (see A/C.6/53/SR.34).

III. Recommendation of the Sixth Committee

10. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the International Law Commission on the work of its fiftieth session

The General Assembly,

Having considered the report of the International Law Commission on the work of its fiftieth session,[2]

Emphasizing the importance of furthering the progressive development of international law and its codification as a means of implementing the purposes and principles set forth in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[3]

Emphasizing also the role of the International Law Commission in the fulfilment of the objectives of the United Nations Decade of International Law,

Recognizing the desirability of referring legal and drafting questions to the Sixth Committee, including topics that might be submitted to the International Law Commission for closer examination, and of enabling the Sixth Committee and the Commission further

[2] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 10* and corrigendum (A/53/10 and Corr.1).

[3] Resolution 2625 (XXV), annex.

to enhance their contribution to the progressive development of international law and its codification,

Recalling the need to keep under review those topics of international law which, given their new or renewed interest for the international community, may be suitable for the progressive development and codification of international law and therefore may be included in the future programme of work of the International Law Commission,

Stressing the usefulness of structuring the debate on the report of the International Law Commission in the Sixth Committee in such a manner that conditions are provided for concentrated attention to each of the main topics dealt with in the report,

Wishing to enhance further the interaction between the Sixth Committee as a body of governmental representatives and the International Law Commission as a body of independent legal experts, with a view to improving the dialogue between the two organs,

Noting the holding of a split session of the International Law Commission in 1998,

1. *Takes note* of the report of the International Law Commission on the work of its fiftieth session,[2] and expresses its appreciation to the Commission for the work accomplished at that session, in particular the completion of the first reading of the draft articles on the prevention part of the topic "International liability for injurious consequences arising out of acts not prohibited by international law";

2. *Draws the attention* of Governments to the importance for the International Law Commission of having their views on all the specific issues identified in chapter III of its report, and invites them to submit comments and observations in writing by 1 January 2000 on the draft articles on international liability for injurious consequences arising out of acts not prohibited by international law (prevention of transboundary damage from hazardous activities);

3. *Recommends* that, taking into account the comments and observations of Governments, whether in writing or expressed orally in debates in the General Assembly, the International Law Commission should continue its work on the topics in its current programme;

4. *Welcomes* the valuable work done by the Commission on the topic "International liability for injurious consequences arising out of acts not prohibited by international law", and requests the Commission, while continuing its work on prevention, to examine other issues arising out of the topic, taking into account comments made by Governments, either in writing or in the Sixth Committee, and to submit its recommendations on the future work to be done on these issues to the Sixth Committee;

5. *Invites* Governments to submit the most relevant national legislation, decisions of domestic courts and State practice relevant to diplomatic protection in order to assist the International Law Commission in its future work on the topic "Diplomatic protection";

6. *Takes note* of the consideration by the International Law Commission of its long-term programme of work and encourages the Commission to proceed with the selection of new topics for its next quinquennium;

7. *Welcomes with appreciation* the steps taken by the International Law Commission in relation to its internal matters, as contained in paragraphs 543 and 544 of its report,[2] and encourages it to continue enhancing its efficiency and productivity, taking into consideration the discussion held by the General Assembly at its fifty-third session;

8. *Endorses* the decision by the International Law Commission on the duration of its session in 1999, as presented in paragraph 562 of its report;[2]

9. *Takes note* of paragraphs 562 and 563 of the report of the International Law Commission[2] regarding the holding of split sessions as of 2000, requests the Commission to examine the advantages and disadvantages of such split sessions, and decides to return to this matter at its fifty-fourth session;

10. *Stresses* the desirability of enhancing dialogue between the International Law Commission and the Sixth Committee and, in this context, requests the Commission to submit any recommendations to that effect;

11. *Requests* the International Law Commission to continue to pay special attention to indicating in its annual report, for each topic, those specific issues, if any, on which expressions of views by Governments, either in the Sixth Committee or in written form, would be of particular interest in providing effective guidance for the Commission in its further work;

12. *Also requests* the International Law Commission to continue the implementation of article 16, paragraph (e), and article 26, paragraphs 1 and 2, of its statute in order to further strengthen cooperation between the Commission and other bodies concerned with international law, having in mind the usefulness of such cooperation, and invites the Commission to provide the Sixth Committee at the fifty-fourth session with updated information in this regard;

13. *Notes* that consulting with national organizations and individual experts concerned with international law may assist Governments in considering whether to make comments and observations on drafts submitted by the Commission and in formulating their comments and observations;

14. *Reaffirms* its previous decisions concerning the role of the Codification Division of the Office of Legal Affairs of the Secretariat and those concerning the summary records and other documentation of the International Law Commission;

15. *Takes note* of the inclusion of information about the work of the International Law Commission in its Web site;[4]

16. *Once again expresses the wish* that seminars will continue to be held in conjunction with the sessions of the International Law Commission and that an increasing number of participants from developing countries will be given the opportunity to attend those seminars, appeals to States that can do so to make the voluntary contributions that are urgently needed for the holding of the seminars, and requests the Secretary-General to provide the seminars with adequate services, including interpretation, as required;

17. *Requests* the Secretary-General to forward to the International Law Commission, for its attention, the records of the debate on the report of the Commission at the fifty-third session of the General Assembly, together with such written statements as delegations may circulate in conjunction with their oral statements, and to prepare and distribute a topical summary of the debate, following established practice;

18. *Takes note with satisfaction* of the fiftieth anniversary of the International Law Commission, which was fittingly commemorated by a seminar held at Geneva on 21 and 22 April 1998 and by other events;

19. *Recommends* that the debate on the report of the International Law Commission at the fifty-fourth session of the General Assembly commence on 25 October 1999.

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[4] The Internet address is as follows: http://www.un.org/law/ilc/index.htm.

United Nations A/53/632

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Agenda item 151

Report of the United Nations Commission on International Trade Law on the work of its thirty-first session

Report of the Sixth Committee

Rapporteur: Mr. Rytis **Paulauskas** (Lithuania)

I. Introduction

1. At its 3rd plenary meeting, on 15 September 1998, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-third session the item entitled "Report of the United Nations Commission on International Trade Law on the work of its thirty-first session" and to allocate it to the Sixth Committee.

2. The Sixth Committee considered the item at its 3rd, 4th and 26th meetings, on 12 and 13 October and on 11 November1998. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/53/SR.3, 4 and 26).

3. For its consideration of the item, the Committee had before it the report of the United Nations Commission on International Trade Law on the work of its thirty-first session.[1]

4. At the 3rd meeting, on 12 October, the Chairman of the United Nations Commission on International Trade Law at its thirty-first session introduced the report of the Commission on the work of that session (see A/C.6/53/SR.3).

5. At the 4th meeting, on 13 October, the Chairman of the Commission made a statement in the light of the debate (see A/C.6/53/SR.4).

[1] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 17* (A/53/17).

98-37252 (E) 301198

II. Consideration of draft resolution A/C.6/53/L.7

6. At the 26th meeeting, on 11 November, the representative of Austria, on behalf of *Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Canada, Chile, China, Colombia, Côte d'Ivoire, Croatia, Cyprus,* the *Czech Republic, Denmark, Ecuador, Egypt, Fiji, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, India,* the *Islamic Republic of Iran, Ireland, Israel, Italy, Japan, Kenya, Latvia, Lithuania, Luxembourg, Malaysia, Mexico, Mongolia, Morocco, Myanmar,* the *Netherlands, Nigeria, Norway, Poland, Portugal, Romania,* the *Russian Federation, Singapore, Slovakia, Slovenia, South Africa, Spain,* the *Sudan, Sweden, Thailand, Turkey, Uganda,* the *United Kingdom of Great Britain and Northern Ireland,* the *United States of America, Uruguay, Venezuela* and *Zimbabwe*, introduced a draft resolution entitled "Report of the United Nations Commission on International Trade Law on the work of its thirty-first session" (A/C.6/53/L.7).

7. At the same meeting, the Committee adopted draft resolution A/C.6/53/L.7 without a vote (see para. 8).

III. Recommendation of the Sixth Committee

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the United Nations Commission on International Trade Law on the work of its thirty-first session

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it created the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Reaffirming its conviction that the progressive harmonization and unification of international trade law, in reducing or removing legal obstacles to the flow of international trade, especially those affecting the developing countries, would significantly contribute to universal economic cooperation among all States on a basis of equality, equity and common interest and to the elimination of discrimination in international trade and, thereby, to the well-being of all peoples,

Stressing the value of participation by States at all levels of economic development and from different legal systems in the process of harmonizing and unifying international trade law,

Having considered the report of the United Nations Commission on International Trade Law on the work of its thirty-first session,[2]

Mindful of the valuable contribution to be rendered by the Commission within the framework of the United Nations Decade of International Law, in particular as regards the dissemination of international trade law,

[2] Ibid.

Concerned that activities undertaken by other bodies of the United Nations system in the field of international trade law without coordination with the Commission might lead to undesirable duplication of efforts and would not be in keeping with the aim of promoting efficiency, consistency and coherence in the unification and harmonization of international trade law, as stated in its resolution 37/106 of 16 December 1982,

Stressing the importance of the further development of the Case Law on the United Nations Commission on International Trade Law Texts in promoting the uniform application of the legal texts of the Commission and its value for government officials, practitioners and academics,

1. *Takes note with appreciation* of the report of the United Nations Commission on International Trade Law on the work of its thirty-first session;[2]

2. *Commends* the Commission for the progress made in its work on receivables financing, electronic commerce, privately financed infrastructure projects and the legislative implementation of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards;[3]

3. *Also commends* the Commission for holding a special commemorative "New York Convention Day" in order to celebrate the fortieth anniversary of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958), and a Uniform Commercial Law Information Colloquium, designed to provide information on current topics and generate discussion among experts that might be useful in the consideration of those topics by the Commission;

4. *Appeals* to Governments that have not yet replied to the questionnaire circulated by the Secretariat in relation to the legal regime governing the recognition and enforcement of foreign arbitral awards to do so;

5. *Invites* States to nominate persons to work with the private foundation established to encourage assistance to the Commission from the private sector;

6. *Reaffirms* the mandate of the Commission, as the core legal body within the United Nations system in the field of international trade law, to coordinate legal activities in this field and, in this connection:

(a) Calls upon all bodies of the United Nations system and invites other international organizations to bear in mind the mandate of the Commission and the need to avoid duplication of effort and to promote efficiency, consistency and coherence in the unification and harmonization of international trade law;

(b) Recommends that the Commission, through its secretariat, continue to maintain close cooperation with the other international organs and organizations, including regional organizations, active in the field of international trade law;

7. *Also reaffirms* the importance, in particular for developing countries, of the work of the Commission concerned with training and technical assistance in the field of international trade law, such as assistance in the preparation of national legislation based on legal texts of the Commission;

8. *Expresses the desirability* for increased efforts by the Commission, in sponsoring seminars and symposia, to provide such training and technical assistance, and in this connection:

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[3] United Nations, *Treaty Series*, vol. 330, No. 4739.

(a) Expresses its appreciation to the Commission for organizing seminars and briefing missions in Colombia, Cyprus, Ecuador, Greece, Malta, Peru, South Africa and the United Arab Emirates;

(b) Expresses its appreciation to the Governments whose contributions enabled the seminars and briefing missions to take place, and appeals to Governments, the relevant United Nations organs, organizations, institutions and individuals to make voluntary contributions to the United Nations Commission on International Trade Law Trust Fund for Symposia and, where appropriate, to the financing of special projects, and otherwise to assist the secretariat of the Commission in financing and organizing seminars and symposia, in particular in developing countries, and in the award of fellowships to candidates from developing countries to enable them to participate in such seminars and symposia;

9. *Appeals* to the United Nations Development Programme and other bodies responsible for development assistance, such as the International Bank for Reconstruction and Development and the European Bank for Reconstruction and Development, as well as to Governments in their bilateral aid programmes, to support the training and technical assistance programme of the Commission and to cooperate and coordinate their activities with those of the Commission;

10. *Appeals* to Governments, the relevant United Nations organs, organizations, institutions and individuals, in order to ensure full participation by all Member States in the sessions of the Commission and its working groups, to make voluntary contributions to the trust fund for travel assistance to developing countries that are members of the Commission, at their request and in consultation with the Secretary-General;

11. *Decides*, in order to ensure full participation by all Member States in the sessions of the Commission and its working groups, to continue, in the competent Main Committee during the fifty-third session of the General Assembly, its consideration of granting travel assistance to the least developed countries that are members of the Commission, at their request and in consultation with the Secretary-General;

12. *Requests* the Secretary-General to ensure the effective implementation of the programme of the Commission;

13. *Stresses* the importance of bringing into effect the conventions emanating from the work of the Commission for the global unification and harmonization of international trade law, and to this end urges States that have not yet done so to consider signing, ratifying or acceding to those conventions.

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General Assembly

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Fifty-third session
Agenda item 152

Report of the Committee on Relations with the Host Country

Report of the Sixth Committee

Rapporteur: Mr. Rytis **Paulauskas** (Lithuania)

I. Introduction

1. The item entitled "Report of the Committee on Relations with the Host Country" was included in the provisional agenda of the fifty-third session of the General Assembly pursuant to Assembly resolution 52/159 of 15 December 1997.

2. At its 3rd plenary meeting, on 15 September 1998, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 33rd meeting, on 17 November 1998. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary record (A/C.6/53/SR.33).

4. For its consideration of the item, the Committee had before it the report of the Committee on Relations with the Host Country.[1]

5. At the 33rd meeting, on 17 November, the Chairman of the Committee on Relations with the Host Country introduced the report of the Committee (see A/C.6/53/SR.33).

II. Consideration of draft resolution A/C.6/53/L.13

6. At the 33rd meeting, on 17 November, the representative of Cyprus, on behalf of *Bulgaria, Canada, China, Costa Rica, Côte d'Ivoire, Cyprus, France, Honduras, Malaysia, Senegal, Spain* and the *United Kingdom of Great Britain and Northern Ireland*, introduced

[1] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 26* (A/53/26).

98-37191 (E) 271198

a draft resolution entitled "Report of the Committee on Relations with the Host Country" (A/C.6/53/L.13).

7. The representative of Cuba made a statement in explanation of position before the adoption of the draft resolution (see A/C.6/53/SR.33).

8. At the same meeting, the Committee adopted draft resolution A/C.6/53/L.13 without a vote (see para. 9).

III. Recommendation of the Sixth Committee

9. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the Committee on Relations with the Host Country

The General Assembly,

Having considered the report of the Committee on Relations with the Host Country,[2]

Recalling Article 105 of the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations,[3] the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations,[4] and the responsibilities of the host country,

Recognizing that effective measures should continue to be taken by the competent authorities of the host country, in particular to prevent any acts violating the security of missions and the safety of their personnel,

Noting the spirit of cooperation and mutual understanding that has guided the deliberations of the Committee on issues affecting the United Nations community and the host country,

Taking into account the increase in the profound interest and concern of many Member States in the work of the Committee,

Noting that the Committee reviewed, in accordance with the request contained in General Assembly resolution 52/159 of 15 December 1997, its membership and composition with the full participation of observers,

1. *Endorses* the recommendations and conclusions of the Committee on Relations with the Host Country contained in paragraph 50 of its report;[2]

2. *Endorses* the recommendation of the Committee that its membership be increased by four members, including one each from African, Asian, Latin American and Caribbean and Eastern European States, to be chosen by the President of the General Assembly in accordance with resolution 2819 (XXVI) of 15 December 1971, in consultation with the regional groups;

3. *Considers* that the maintenance of appropriate conditions for the normal work of the delegations and the missions accredited to the United Nations is in the interest of the United Nations and all Member States, and requests the host country to continue to take all measures necessary to prevent any interference with the functioning of missions;

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[2] Ibid.

[3] Resolution 22 A (I).

[4] See resolution 169 (II).

4. *Expresses its appreciation* for the efforts made by the host country, and hopes that the issues raised at the meetings of the Committee will continue to be resolved in a spirit of cooperation and in accordance with international law;

5. *Notes* that during the reporting period the travel controls previously imposed by the host country on staff of certain missions and staff members of the Secretariat of certain nationalities remained in effect, and requests the host country to consider removing such travel controls, and in this regard notes the positions of affected States, of the Secretary-General and of the host country;

6. *Requests* the host country to continue to take steps to resolve the problem relating to the parking of diplomatic vehicles in a fair, balanced and non-discriminatory way, with a view to responding to the growing needs of the diplomatic community, and to continue to consult with the Committee on this important issue;

7. *Welcomes* the efforts of the Committee aimed at identifying affordable health-care programmes for the diplomatic community;

8. *Requests* the Secretary-General to remain actively engaged in all aspects of the relations of the United Nations with the host country;

9. *Requests* the Committee to continue its work in conformity with General Assembly resolution 2819 (XXVI);

10. *Decides* to include in the provisional agenda of its fifty-fourth session the item entitled "Report of the Committee on Relations with the Host Country".

United Nations A/53/634

General Assembly

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24 November 1998

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Fifty-third session
Agenda item 153

Establishment of an international criminal court

Report of the Sixth Committee

Rapporteur: Mr. Rytis **Paulauskas** (Lithuania)

I. Introduction

1. At its 3rd plenary meeting, on 15 September 1998, the General Assembly, on the recommendation of the General Committee, decided to include the item entitled "Establishment of an international criminal court" in the agenda of its fifty-third session, pursuant to Assembly resolution 52/160 of 15 December 1997, and to allocate it to the Sixth Committee.

2. The Sixth Committee considered the item at its 9th to 12th and 35th meetings, on 21 and 22 October and on 24 November 1998. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/53/SR.9–12 and 35).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Note by the Secretary-General on the establishment of an international criminal court (A/53/387);

(b) Letter dated 22 July 1998 from the Permanent Representative of Austria to the United Nations addressed to the Secretary-General (A/53/189);

(c) Letter dated 3 November 1998 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General (A/53/640).

98-37490 (E) 021298

II. Consideration of draft resolution A/C.6/53/L.9 and Rev.1

4. At the 29th meeting, on 13 November, the Vice-Chairman of the Sixth Committee, the representative of the Netherlands, on behalf of the Bureau, introduced a draft resolution entitled "Establishment of an international criminal court" (A/C.6/53/L.9).

5. The Committee also had before it a statement of the programme budget implications of draft resolution A/C.6/53/L.9, submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly (A/C.6/53/L.15).

6. At the 35th meeting, on 24 November, the representative of the Netherlands introduced a revised draft resolution (A/C.6/53/L.9/Rev.1), which contained the following changes:

(a) In the fourth preambular paragraph, the words "and growing" had been deleted from the phrase "significant and growing number of States";

(b) In the fifth operative paragraph, the words "including the preparation of working documents, if so requested by the Preparatory Commission" had been replaced by the words "not including the preparation of working documents".

7. The Committee had before it a statement of the programme budget implications of draft resolution A/C.6/53/L.9/Rev.1, submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly (A/C.6/53/L.21).

8. At the same meeting, the Committee adopted draft resolution A/C.6/53/L.9/Rev.1 without a vote (see para. 9).

III. Recommendation of the Sixth Committee

9. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Establishment of an international criminal court

The General Assembly,

Recalling its resolutions 47/33 of 25 November 1992, 48/31 of 9 December 1993, 49/53 of 9 December 1994, 50/46 of 11 December 1995 and 51/207 of 17 December 1996,

Also recalling its resolution 52/160 of 15 December 1997, in which it decided to hold the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court at Rome from 15 June to 17 July 1998,

Expressing satisfaction at the completion of the mandate of that resolution by the adoption of the Rome Statute of the International Criminal Court,[1] at the headquarters of the Food and Agriculture Organization of the United Nations in Rome on 17 July 1998, taking note of the opening for signature of the Statute in Rome, on 17 July 1998 until 17 October 1998, and thereafter in New York at United Nations Headquarters until 31 December 2000, and also taking note of the Final Act of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court done at Rome on 17 July 1998,[2]

Noting that a significant number of States have signed the Rome Statute,

[1] See A/CONF.183/9.

[2] A/CONF.183/10.

Emphasizing the need to make the necessary arrangements for the commencement of the functions of the Court in order to ensure its effective operation,

Noting in particular that the Conference decided to establish a Preparatory Commission for the Court, consisting of representatives of States that have signed the Final Act of the Conference and other States that were invited to participate in the Conference,

Also noting that the Conference requested the Secretary-General to convene the Preparatory Commission at Headquarters as early as possible, at a date to be decided by the General Assembly,

Recalling the mandate of the Preparatory Commission with regard to the preparation of proposals for practical arrangements for the establishment and coming into operation of the Court, including, before 30 June 2000, the finalization of the draft texts of the Rules of Procedure and Evidence and of the Elements of Crimes,

Recognizing the need for making available adequate resources and secretariat services to the Preparatory Commission in order to enable it to discharge its functions efficiently and expeditiously,

1. *Acknowledges* the historic significance of the adoption of the Rome Statute of the International Criminal Court;[1]

2. *Expresses its deep appreciation and gratitude* to the Government of Italy for hosting the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court in Rome;

3. *Calls upon* all States to consider signing and ratifying the Rome Statute, and encourages efforts aimed at promoting awareness of the results of the Conference and of the provisions of the Rome Statute;

4. *Requests* the Secretary-General to convene the Preparatory Commission to meet, in accordance with resolution F adopted by the Conference,[2] in order to carry out the mandate of that resolution, and, in that connection, to discuss ways to enhance the effectiveness and acceptance of the Court, from 16 to 26 February 1999, from 26 July to 13 August 1999 and from 29 November to 17 December 1999;

5. *Also requests* the Secretary-General to make available to the Preparatory Commission secretariat services, not including the preparation of working documents, to enable it to perform its functions;

6. *Requests* the Secretary-General to invite, as observers to the Preparatory Commission, representatives of organizations and other entities that have received a standing invitation from the General Assembly, pursuant to its relevant resolutions,[3] to participate, in the capacity of observers, in its sessions and work, and also to invite as observers to the Preparatory Commission representatives of interested regional intergovernmental organizations and other interested international bodies, including the international tribunals for former Yugoslavia and Rwanda;

7. *Notes* that non-governmental organizations may participate in the work of the Preparatory Commission by attending its plenary and its other open meetings, in accordance with the rules of procedure to be adopted by the Commission, receiving copies of the official documents and making available their materials to delegates;

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[3] Resolutions 253 (III), 477 (V), 2011 (XX), 3208 (XXIX), 3237 (XXIX), 3369 (XXX), 31/3, 33/18, 35/2, 35/3, 36/4, 42/10, 43/6, 44/6, 45/6, 46/8, 47/4, 48/2, 48/3, 48/4, 48/5, 48/237, 48/265, 49/1, 49/2, 50/2, 51/1, 51/6, 51/204 and 52/6.

8. *Requests* the Secretary-General to take steps in order to expand the mandate of the trust fund established in Assembly resolution 51/207 for voluntary contributions towards meeting the cost of participation in the work of the Preparatory Commission of the least developed countries, and encourages States to contribute voluntarily to this trust fund;

9. *Also requests* the Secretary-General to take steps to expand the mandate of the trust fund established in Assembly resolution 52/160 for voluntary contributions towards meeting the cost of participation in the work of the Preparatory Commission of those developing countries not covered by the trust fund referred to in paragraph 8, above, and invites States to contribute voluntarily to the trust fund;

10. *Further requests* the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution;

11. *Decides* to include in the provisional agenda of its fifty-fourth session the item entitled "Establishment of the International Criminal Court".

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Fifty-third session
Agenda item 154

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Report of the Sixth Committee

Rapporteur: Mr. Rytis **Paulauskas** (Lithuania)

I. Introduction

1. The item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization" was included in the agenda of the fifty-third session of the General Assembly pursuant to Assembly resolution 52/161 of 15 December 1997.

2. At its 3rd plenary meeting, on 15 September 1998, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 5th to 8th, 13th, 16th, 17th, 28th, 32nd and 34th meetings, on 16, 19, 20, 26 and 29 October and on 12, 17 and 19 November 1998. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/53/SR.5–8, 13, 16, 17, 28, 32 and 34).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;[1]

[1] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 33* (A/53/33).

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(b) Report of the Secretary-General on the implementation of provisions of the Charter related to assistance to third States affected by the application of sanctions (A/53/312);

(c) Report of the Secretary-General on the consequences that the increase in the volume of cases before the International Court of Justice has on the operation of the Court (A/53/326 and Corr.1 and Add.1);

(d) Report of the Secretary-General on the *Repertory of Practice of United Nations Organs* and *Repertoire of the Practice of the Security Council* (A/53/386);

(e) Letter dated 17 September 1998 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General (A/53/425).

5. At the 13th meeting, on 26 October, in relation to the report of the Secretary-General on the consequences that the increase in the volume of cases before the International Court of Justice has on the operation of the Court (A/53/326, Corr.1 and Add.1), the Sixth Committee noted that the report was related closely to item 113 of the agenda of the current session of the General Assembly, an item assigned to the Fifth Committee. Consequently, the Committee requested its Chairman to transmit that document to the Chairman of the Fifth Committee without delay for possible consideration by that Committee in connection with agenda item 113.

II. Consideration of proposals

A. Draft resolution A/C.6/53/L.6/Rev.1

6. At the 28th meeting, on 12 November, the representative of *Egypt* introduced a draft resolution entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization" (A/C.6/53/L.6/Rev.1).

7. At the 32nd meeting, on 17 November, the representative of Egypt orally revised operative paragraph 3 to read:

> "3. *Decides* that the Special Committee will hold its next session from 12 to 23 April 1999;"

8. The Secretary of the Committee made a statement on the financial implications of operative paragraph 5 of the draft resolution (see A/C.6/53/SR.32).

9. At the same meeting, the Committee adopted draft resolution A/C.6/53/L.6/Rev.1, as orally revised, without a vote (see para. 14, draft resolution I).

B. Draft resolution A/C.6/53/L.3 and Rev.1

10. At the 16th meeting, on 29 October, the representative of *Ukraine*, also on behalf of *Belarus, Bulgaria,* the *Russian Federation* and *Turkey*, introduced a draft resolution entitled "Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions" (A/C.6/53/L.3), which read:

> *"The General Assembly,*
>
> *"Concerned* about the special economic problems confronting certain States arising from the carrying out of preventive or enforcement measures taken by the Security Council against other States, and taking into account the obligation of

Members of the United Nations under Article 49 of the Charter of the United Nations to join in affording mutual assistance in carrying out the measures decided upon by the Security Council,

"*Recalling* the right of third States confronted with special economic problems of that nature to consult the Security Council with regard to a solution of those problems, in accordance with Article 50 of the Charter,

"*Recognizing* the desirability of the consideration of further appropriate procedures for consultations to deal in a more effective manner with the problems referred to in Article 50 of the Charter,

"*Recalling*:

"(a) The report of the Secretary-General entitled 'An Agenda for Peace',[2] in particular paragraph 41 thereof;

"(b) Its resolution 47/120 A of 18 December 1992, entitled 'An Agenda for Peace: preventive diplomacy and related matters', its resolution 47/120 B of 20 September 1993, entitled 'An Agenda for Peace', in particular section IV thereof, entitled 'Special economic problems arising from the implementation of preventive or enforcement measures', and its resolution 51/242 of 15 September 1997, entitled 'Supplement to an Agenda for Peace', in particular annex II thereof, entitled 'Question of sanctions imposed by the United Nations';

"(c) The position paper of the Secretary-General entitled 'Supplement to an Agenda for Peace';[3]

"(d) The statement by the President of the Security Council of 22 February 1995;[4]

"(e) The report of the Secretary-General[5] prepared pursuant to the note by the President of the Security Council[6] regarding the question of special economic problems of States as a result of sanctions imposed under Chapter VII of the Charter;

"(f) The reports of the Secretary-General on economic assistance to States affected by the implementation of the Security Council resolutions imposing sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro)[7] and General Assembly resolutions 48/210 of 21 December 1993, 49/21 A of 2 December 1994, 50/58 E of 12 December 1995, 51/30 A of 5 December 1996 and 52/169 H of 16 December 1997;

"(g) The 1994, 1995, 1996, 1997 and 1998 reports of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;[8]

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[2] A/47/277–S/24111; see *Official Records of the Security Council, Forty-seventh Year, Supplement for April, May and June 1992*, document S/24111.

[3] A/50/60–S/1995/1; see *Official Records of the Security Council, Fiftieth Year, Supplement for January, February and March 1995*, document S/1995/1.

[4] S/PRST/1995/9; see *Resolutions and Decisions of the Security Council, 1995*.

[5] A/48/573–S/26705; see *Official Records of the Security Council, Forty-eighth Year, Supplement for October, November and December 1993*, document S/26705.

[6] See *Official Records of the Security Council, Forty-seventh Year, Supplement for October, November and December 1992*, document S/25036.

[7] A/49/356, A/50/423, A/51/356 and A/52/535.

[8] *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 33* (A/49/33); ibid., *Fiftieth Session, Supplement No. 33* (A/50/33); ibid., *Fifty-first Session, Supplement No. 33* (A/51/33); ibid., *Fifty-second Session, Supplement No. 33 and corrigendum* (A/52/33 and Corr.1); and ibid., *Fifty-third Session, Supplement No. 33* (A/53/33).

"(h) The reports of the Secretary-General on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter;[9]

"*Taking note* of the most recent report of the Secretary-General, submitted in accordance with General Assembly resolution 52/162 of 15 December 1997,[10]

"*Recalling* that the question of assistance to third States affected by the application of sanctions has been addressed recently in several forums, including the General Assembly and its subsidiary organs and the Security Council,

"*Recalling also* the measures taken by the Security Council in accordance with the statement by the President of the Security Council of 16 December 1994[11] that, as part of the Council's effort to improve the flow of information and the exchange of ideas between members of the Council and other States Members of the United Nations, there should be increased recourse to open meetings, in particular at an early stage in its consideration of a subject,

"*Stressing* that, in formulation of sanctions regimes, due account should be taken of the potential effects of sanctions on third States,

"*Stressing also*, in this context, the powers of the Security Council under Chapter VII of the Charter and the Council's primary responsibility under Article 24 of the Charter for the maintenance of international peace and security in order to ensure prompt and effective action by the United Nations,

"*Recalling* that, under Article 31 of the Charter, any Member of the United Nations that is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Council whenever the latter considers that the interests of that Member are specially affected,

"*Recognizing* that the imposition of sanctions under Chapter VII has been causing special economic problems in third States and that it is necessary to intensify efforts to address those problems,

"*Taking into consideration* the views of third States which could be affected by the imposition of sanctions,

"*Recognizing* that assistance to third States affected by the application of sanctions would further contribute to an effective and comprehensive approach by the international community to sanctions imposed by the Security Council,

"*Recognizing also* that the international community at large and, in particular, international institutions involved in providing economic and financial assistance should continue to take into account and address in a more effective manner the special economic problems of affected third States arising from the carrying out of preventive or enforcement measures taken by the Security Council under Chapter VII of the Charter, in view of their magnitude and of the adverse impact on the economy of those States,

"*Recalling* the provisions of resolutions 50/51 of 11 December 1995, 51/208 of 17 December 1996 and 52/162 of 15 December 1997,

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[9] A/50/361, A/51/317 and A/52/308.

[10] A/53/312.

[11] S/PRST/1994/81; see *Resolutions and Decisions of the Security Council, 1994*.

"1. *Renews its invitation* to the Security Council to consider the establishment of further mechanisms or procedures, as appropriate, for consultations as early as possible under Article 50 of the Charter of the United Nations with third States, which are or may be confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Council under Chapter VII of the Charter, with regard to a solution of those problems, including appropriate ways and means for increasing the effectiveness of its methods and procedures applied in the consideration of requests by the affected States for assistance;

"2. *Welcomes once again* the further measures taken by the Security Council since the adoption of General Assembly resolution 50/51 and aimed at increasing the effectiveness and transparency of the sanctions committees, invites the Council to implement those measures, and strongly recommends that the Council continue its efforts to further enhance the functioning of the sanctions committees, to streamline their working procedures and to facilitate access to them by representatives of States that find themselves confronted with special economic problems arising from the carrying out of sanctions;

"3. *Requests* the Secretary-General to pursue implementation of resolutions 50/51, 51/208 and 52/162 and to ensure that the competent units within the Secretariat develop the adequate capacity and appropriate modalities, technical procedures and guidelines to continue, on a regular basis, to collate and coordinate information about international assistance available to third States affected by the implementation of sanctions, to continue developing a possible methodology for assessing the adverse consequences actually incurred by third States and to initiate action in order to explore innovative and practical measures of assistance to the affected third States;

"4. *Also requests* the Secretary-General to seek the views of Governments and to hold consultations, as appropriate, with the relevant international organizations both within and outside the United Nations system regarding the report on the ad hoc expert group meeting on developing a methodology for assessing the consequences incurred by third States as a result of preventive or enforcement measures and on exploring innovative and practical measures of international assistance to the affected third States, in particular its conclusions and recommendations;[12]

"5. *Reaffirms* the important role of the General Assembly, the Economic and Social Council and the Committee for Programme and Coordination in mobilizing and monitoring, as appropriate, the economic assistance efforts by the international community and the United Nations system to States confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Security Council and, as appropriate, in identifying solutions to the special economic problems of those States, and requests the Economic and Social Council to consider, at its substantive session for 1999, the report on the ad hoc expert group meeting convened pursuant to paragraph 4 of General Assembly resolution 52/162;

"6. *Invites* the organizations of the United Nations system, international financial institutions, other international organizations, regional organizations and Member States to address more specifically and directly, where appropriate, special economic problems of third States affected by sanctions imposed under Chapter VII of the Charter and, for this purpose, to consider improving procedures for consultations to maintain a constructive dialogue with such States, including through

[12] A/53/312, sect. IV.

regular and frequent meetings as well as, where appropriate, special meetings between the affected third States and the donor community, with the participation of United Nations agencies and other international organizations;

"7. *Requests* the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, at its session in 1999, to continue to consider on a priority basis the question of the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter, taking into consideration all the related reports of the Secretary-General, in particular the most recent report containing a summary of the deliberations and main findings of the ad hoc expert group meeting convened pursuant to paragraph 4 of General Assembly resolution 52/162, the proposals submitted on this subject, the debate on this question in the Sixth Committee during the fifty-third session of the General Assembly and the text on the question of sanctions imposed by the United Nations contained in annex II to General Assembly resolution 51/242, as well as the implementation of the provisions of General Assembly resolutions 50/51, 51/208, 52/162 and the present resolution;

"8. *Decides* to establish a working group within the Sixth Committee of the fifty-fourth session of the General Assembly to consider further progress in elaboration of effective measures aimed at implementation of provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter;

"9. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its fifty-fourth session."

11. At the 34th meeting, on 19 November, the representative of *South Africa* and coordinator of informal consultations introduced a revised draft resolution entitled "Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions" (A/C.6/53/L.3/Rev.1).

12. At the same meeting, the Committee adopted draft resolution A/C.6/53/L.3/Rev.1 without a vote (see para. 14, draft resolution II).

13. The representatives of Ukraine and the Russian Federation made statements in explanation of position after the adoption of the draft resolution (see A/C.6/53/SR.34).

III. Recommendations of the Sixth Committee

14. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

The General Assembly,

Recalling its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions,

Recalling also its resolution 47/233 of 17 August 1993 on the revitalization of the work of the General Assembly,

Recalling further its resolution 47/62 of 11 December 1992 on the question of equitable representation on and increase in the membership of the Security Council,

Taking note of the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council,[13]

Also taking note of the report of the Secretary-General on the results of the ad hoc expert group meeting convened in accordance with General Assembly resolution 52/162 of 15 December 1997,[14]

Recalling the elements relevant to the work of the Special Committee contained in its resolution 47/120 B of 20 September 1993,

Recalling also its resolution 51/241 of 31 July 1997 on the strengthening of the United Nations system and its resolution 51/242 of 15 September 1997, entitled "Supplement to an Agenda for Peace", by which it adopted the texts on coordination and the question of sanctions imposed by the United Nations, which are annexed to that resolution,

Recalling further that the International Court of Justice is the principal judicial organ of the United Nations, and reaffirming its authority and independence,

Taking note of the report of the Secretary-General containing the comments and observations of the International Court of Justice and States on the consequences that the increase in the volume of cases before the Court has on its operation,[15]

Considering the desirability of finding practical ways and means of strengthening the Court,

Taking note of the report of the Secretary-General on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*,[16]

Recalling its resolution 52/162 of 15 December 1997,

Having considered the report of the Special Committee on the work of its session held in 1998,[17]

1. *Takes note* of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;[17]

2. *Welcomes* the report of the Secretary-General on the results of the ad hoc expert group meeting convened in accordance with General Assembly resolution 52/162;[18]

3. *Decides* that the Special Committee will hold its next session from 12 to 23 April 1999;

4. *Requests* the Special Committee, at its session in 1999, in accordance with paragraph 5 of General Assembly resolution 50/52 of 11 December 1995:

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[13] *Official Records of the General Assembly, Fifty-second Session, Supplement No. 47* (A/52/47).

[14] See A/53/312, chap. IV.

[15] A/53/326 and Corr.1 and Add.1.

[16] A/53/386.

[17] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 33* (A/53/33).

[18] A/53/312.

(a) To continue its consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations and, in this context, to consider other proposals relating to the maintenance of international peace and security already submitted or which may be submitted to the Special Committee at its session in 1999, including the revised proposal on the strengthening of the role of the United Nations in the maintenance of international peace and security,[19] the revised working paper on the strengthening of the role of the Organization and enhancing its effectiveness,[20] the revised working paper entitled "Basic conditions and criteria for the introduction of sanctions and other coercive measures and their implementation"[21] and the working paper on the draft declaration on the basic principles and criteria for the work of the United Nations peacekeeping missions and mechanisms for the prevention and settlement of crises and conflicts;[22]

(b) To continue to consider on a priority basis the question of the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter, taking into consideration the reports of the Secretary-General,[23] the proposals submitted on this subject, the debate on this question in the Sixth Committee at the fifty-third session of the General Assembly and the text on the question of sanctions imposed by the United Nations contained in annex II to General Assembly resolution 51/242, and also the implementation of the provisions of General Assembly resolutions 50/51 of 11 December 1995, 51/208 of 17 December 1996, 52/162 of 15 December 1997 and 53/... of .. December 1998;

(c) To continue its work on the question of the peaceful settlement of disputes between States and, in this context, to continue its consideration of proposals relating to the peaceful settlement of disputes between States, including the proposal on the establishment of a dispute settlement service offering or responding with its services early in disputes and those proposals relating to the enhancement of the role of the International Court of Justice;

(d) To continue to consider proposals concerning the Trusteeship Council in the light of the report of the Secretary-General submitted in accordance with resolution 50/55 of 11 December 1995,[24] the report of the Secretary-General entitled "Renewing the United Nations: a programme for reform"[25] and the views expressed by States on this subject at the previous sessions of the General Assembly;

(e) To continue to consider, taking into account the comments presented by the International Court of Justice and States pursuant to resolution 52/161 of 15 December 1997, practical ways and means of strengthening the Court, while respecting its authority and independence, on the understanding that whatever action may be taken as a result of the consideration will have no implications for any changes in the Charter of the United Nations or in the Statute of the International Court of Justice;

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[19] *Official Records of the General Assembly, Fifty-first Session, Supplement No. 33* (A/51/33), para. 56.

[20] Ibid., *Fifty-second Session, Supplement No. 33* and corrigendum (A/52/33 and Corr.1), para. 59.

[21] Ibid., *Fifty-third Session, Supplement No. 33* (A/53/33), para. 45.

[22] Ibid., *Fifty-first Session, Supplement No. 33* (A/51/33), para. 128.

[23] A/48/573–S/26705 (see *Official Records of the Security Council, Forty-eighth Year, Supplement for October, November and December 1993*), A/49/356, A/50/60-S/1995/1 (see *Official Records of the Security Council, Fiftieth Year, Supplement for January, February and March 1995*), A/50/423, A/50/361, A/51/317, A/52/308 and A/53/312.

[24] A/50/1011.

[25] A/51/950 and Add.1–7.

5. *Takes note* of subparagraphs (a), (b), (c), (d) and (f) of paragraph 32 of the report of the Secretary-General,[16] and requests him to continue to undertake efforts to identify resources to prepare supplements to the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* and, in particular, to complete the work required to issue the two remaining volumes of Supplement No. 5 to the *Repertory of Practice of United Nations Organs* and to submit a progress report on the matter to the General Assembly at its fifty-fourth session;

6. *Invites* the Special Committee at its session in 1999 to continue to identify new subjects for consideration in its future work with a view to contributing to the revitalization of the work of the United Nations, to discuss how to offer its assistance to the working groups of the General Assembly in this field and, in this regard, to consider ways and means of improving coordination between the Special Committee and other working groups dealing with the reform of the Organization, including the role of the Chairperson of the Special Committee for this purpose, and to continue considering ways and means of improving its working methods;

7. *Requests* the Special Committee to submit a report on its work to the General Assembly at the fifty-fourth session;

8. *Decides* to include in the provisional agenda of its fifty-fourth session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

Draft resolution II

Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions

The General Assembly,

Concerned about the special economic problems confronting certain States arising from the carrying out of preventive or enforcement measures taken by the Security Council against other States, and taking into account the obligation of Members of the United Nations under Article 49 of the Charter of the United Nations to join in affording mutual assistance in carrying out the measures decided upon by the Security Council,

Recalling the right of third States confronted with special economic problems of that nature to consult the Security Council with regard to a solution of those problems, in accordance with Article 50 of the Charter,

Recognizing the desirability of the consideration of further appropriate procedures for consultations to deal in a more effective manner with the problems referred to in Article 50 of the Charter,

Recalling:

(a) The report of the Secretary-General entitled "An Agenda for Peace",[26] in particular paragraph 41 thereof;

(b) Its resolution 47/120 A of 18 December 1992, entitled "An Agenda for Peace: preventive diplomacy and related matters", its resolution 47/120 B of 20 September 1993, entitled "An Agenda for Peace", in particular section IV thereof, entitled "Special economic

[26] A/47/277–S/24111; see *Official Records of the Security Council, Forty-seventh Year, Supplement for April, May and June 1992*, document S/24111.

problems arising from the implementation of preventive or enforcement measures", and its resolution 51/242 of 15 September 1997, entitled "Supplement to an Agenda for Peace", in particular annex II thereof, entitled "Question of sanctions imposed by the United Nations";

(c) The position paper of the Secretary-General entitled "Supplement to an Agenda for Peace";[27]

(d) The statement by the President of the Security Council of 22 February 1995;[28]

(e) The report of the Secretary-General[29] prepared pursuant to the note by the President of the Security Council[30] regarding the question of special economic problems of States as a result of sanctions imposed under Chapter VII of the Charter;

(f) The reports of the Secretary-General on economic assistance to States affected by the implementation of the Security Council resolutions imposing sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro)[31] and General Assembly resolutions 48/210 of 21 December 1993, 49/21 A of 2 December 1994, 50/58 E of 12 December 1995, 51/30 A of 5 December 1996 and 52/169 H of 16 December 1997;

(g) The 1994, 1995, 1996, 1997 and 1998 reports of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;[32]

(h) The reports of the Secretary-General on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter,[33]

Taking note of the most recent report of the Secretary-General, submitted in accordance with General Assembly resolution 52/162 of 15 December 1997,[34]

Recalling that the question of assistance to third States affected by the application of sanctions has been addressed recently in several forums, including the General Assembly and its subsidiary organs and the Security Council,

Recalling also the measures taken by the Security Council in accordance with the statement by the President of the Security Council of 16 December 1994[35] that, as part of the Council's effort to improve the flow of information and the exchange of ideas between members of the Council and other States Members of the United Nations, there should be increased recourse to open meetings, in particular at an early stage in its consideration of a subject,

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[27] A/50/60–S/1995/1; see *Official Records of the Security Council, Fiftieth Year, Supplement for January, February and March 1995*, document S/1995/1.

[28] S/PRST/1995/9; see *Resolutions and Decisions of the Security Council, 1995*.

[29] A/48/573–S/26705; see *Official Records of the Security Council, Forty-eighth Year, Supplement for October, November and December 1993*, document S/26705.

[30] See *Official Records of the Security Council, Forty-seventh Year, Supplement for October, November and December 1992*, document S/25036.

[31] A/49/356, A/50/423, A/51/356 and A/52/535.

[32] *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 33* (A/49/33); ibid., *Fiftieth Session, Supplement No. 33* (A/50/33); ibid., *Fifty-first Session, Supplement No. 33* (A/51/33); ibid., *Fifty-second Session, Supplement No. 33* and corrigendum (A/52/33 and Corr.1); and ibid., *Fifty-third Session, Supplement No. 33* (A/53/33).

[33] A/50/361, A/51/317 and A/52/308.

[34] A/53/312.

[35] S/PRST/1994/81; see *Resolutions and Decisions of the Security Council, 1994*.

Stressing that, in formulation of sanctions regimes, due account should be taken of the potential effects of sanctions on third States,

Stressing also, in this context, the powers of the Security Council under Chapter VII of the Charter and the Council's primary responsibility under Article 24 of the Charter for the maintenance of international peace and security in order to ensure prompt and effective action by the United Nations,

Recalling that, under Article 31 of the Charter, any Member of the United Nations that is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Council whenever the latter considers that the interests of that Member are specially affected,

Recognizing that the imposition of sanctions under Chapter VII has been causing special economic problems in third States and that it is necessary to intensify efforts to address those problems,

Taking into consideration the views of third States which could be affected by the imposition of sanctions,

Recognizing that assistance to third States affected by the application of sanctions would further contribute to an effective and comprehensive approach by the international community to sanctions imposed by the Security Council,

Recognizing also that the international community at large and, in particular, international institutions involved in providing economic and financial assistance should continue to take into account and address in a more effective manner the special economic problems of affected third States arising from the carrying out of preventive or enforcement measures taken by the Security Council under Chapter VII of the Charter, in view of their magnitude and of the adverse impact on the economy of those States,

Recalling the provisions of resolutions 50/51 of 11 December 1995, 51/208 of 17 December 1996 and 52/162 of 15 December 1997,

1. *Renews its invitation* to the Security Council to consider the establishment of further mechanisms or procedures, as appropriate, for consultations as early as possible under Article 50 of the Charter of the United Nations with third States, which are or may be confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Council under Chapter VII of the Charter, with regard to a solution of those problems, including appropriate ways and means for increasing the effectiveness of its methods and procedures applied in the consideration of requests by the affected States for assistance;

2. *Welcomes once again* the further measures taken by the Security Council since the adoption of General Assembly resolution 50/51 and aimed at increasing the effectiveness and transparency of the sanctions committees, invites the Council to implement those measures, and strongly recommends that the Council continue its efforts to further enhance the functioning of the sanctions committees, to streamline their working procedures and to facilitate access to them by representatives of States that find themselves confronted with special economic problems arising from the carrying out of sanctions;

3. *Requests* the Secretary-General to pursue implementation of resolutions 50/51, 51/208 and 52/162 and to ensure that the competent units within the Secretariat develop the adequate capacity and appropriate modalities, technical procedures and guidelines to continue, on a regular basis, to collate and coordinate information about international assistance available to third States affected by the implementation of sanctions, to continue developing a possible methodology for assessing the adverse consequences actually incurred

by third States and to initiate action in order to explore innovative and practical measures of assistance to the affected third States;

4. *Also requests* the Secretary-General to seek the views of States, the organizations of the United Nations system, international financial institutions and other international organizations regarding the report of the ad hoc expert group meeting on developing a methodology for assessing the consequences incurred by third States as a result of preventive or enforcement measures and on exploring innovative and practical measures of international assistance to the affected third States;[36]

5. *Reaffirms* the important role of the General Assembly, the Economic and Social Council and the Committee for Programme and Coordination in mobilizing and monitoring, as appropriate, the economic assistance efforts by the international community and the United Nations system to States confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Security Council and, as appropriate, in identifying solutions to the special economic problems of those States, and decides to transmit the report of the ad hoc expert group meeting to the Economic and Social Council at its substantive session of 1999;

6. *Invites* the organizations of the United Nations system, international financial institutions, other international organizations, regional organizations and Member States to address more specifically and directly, where appropriate, special economic problems of third States affected by sanctions imposed under Chapter VII of the Charter and, for this purpose, to consider improving procedures for consultations to maintain a constructive dialogue with such States, including through regular and frequent meetings as well as, where appropriate, special meetings between the affected third States and the donor community, with the participation of United Nations agencies and other international organizations;

7. *Requests* the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, at its session in 1999, to continue to consider on a priority basis the question of the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter, taking into consideration all the related reports of the Secretary-General, in particular the most recent report containing a summary of the deliberations and main findings of the ad hoc expert group meeting convened pursuant to paragraph 4 of General Assembly resolution 52/162, the proposals submitted on this subject, the debate on this question in the Sixth Committee during the fifty-third session of the General Assembly and the text on the question of sanctions imposed by the United Nations contained in annex II to General Assembly resolution 51/242, as well as the implementation of the provisions of General Assembly resolutions 50/51, 51/208, 52/162 and the present resolution;

8. *Decides* to continue to consider within the Sixth Committee, or if necessary within a working group of the Committee, at the fifty-fourth session of the General Assembly, further progress in the elaboration of effective measures aimed at the implementation of provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter;

9. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its fifty-fourth session.

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[36] See A/53/312.

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General Assembly

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Fifty-third session
Agenda item 155

Measures to eliminate international terrorism

Report of the Sixth Committee

Rapporteur: Mr. Rytis **Paulauskas** (Lithuania)

I. Introduction

1. The item entitled "Measures to eliminate international terrorism" was included in the agenda of the fifty-third session of the General Assembly pursuant to Assembly resolution 52/165 of 15 December 1997.

2. At its 3rd plenary meeting, on 15 September 1998, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 2nd, 25th to 28th and 35th meetings, on 16 September and on 11, 12 and 24 November 1998. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/53/SR.2, 25–28 and 35).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996;[1]

(b) Report of the Secretary-General (A/53/314 and Corr.2 and Add.1);

(c) Letter dated 10 February 1998 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General (A/53/66–S/1998/115);

(d) Letter dated 20 February 1998 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General (A/53/71);

[1] *Official Records of the General Assembly, Fifty-third Session, Supplement No. 37* (A/53/37).

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(e) Letter dated 23 February 1998 from the Chargé d'affaires a.i. of the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General (A/53/72–S/1998/156);

(f) Letter dated 8 April 1998 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General (A/53/95–S/1998/311);

(g) Letters dated 4 and 27 May 1998 from the Permanent Representative of Pakistan to the United Nations addressed to the Secretary-General (A/53/117–S/1998/371 and A/53/131–S/1998/435);

(h) Letters dated 24 and 29 August, 2 September and 3 October 1998 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General (A/53/285, A/53/300, A/53/341 and A/C.6/53/7);

(i) Letter dated 10 September 1998 from the Permanent Representatives of the Russian Federation and the United States of America to the United Nations addressed to the Secretary-General (A/53/371–S/1998/848);

(j) Letter dated 9 October 1998 from the Permanent Representative of Panama to the United Nations addressed to the Secretary-General (A/53/489);

(k) Letters dated 20 and 30 October and 6 November 1998 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/53/532–S/1998/984, A/53/560–S/1998/1019 and A/53/646–S/1998/1044);

(l) Letter dated 27 October from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General (A/53/552–S/1998/1010);

(m) Letter dated 29 October 1998 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General (A/53/566);

(n) Letter dated 6 November 1998 from the Permanent Representatives of Georgia and Kazakhstan to the United Nations addressed to the Secretary-General (A/53/689);

(o) Letters dated 22, 23 and 24 September 1998 from the Permanent Representative of the Sudan to the United Nations addressed to the Secretary-General (A/C.6/53/2, A/C.6/53/3, A/C.6/53/4 and A/C.6/53/5);

(p) Letter dated 28 September 1998 from the Permanent Representatives of the Islamic Republic of Iran and the Russian Federation to the United Nations addressed to the Secretary-General (A/C.6/53/6);

(q) Letter dated 3 November 1998 from the Permanent Representative of France to the United Nations addressed to the Secretary-General (A/C.6/53/9).

5. Pursuant to paragraph 9 of General Assembly resolution 52/165, the Committee, at its 2nd meeting, on 16 September, established a Working Group to continue work on a draft international convention for the suppression of acts of nuclear terrorism, and elected as its Chairman Philippe Kirsch (Canada), Chairman of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996. The Working Group held 13 meetings, from 28 September to 9 October.

6. At the 25th meeting, on 11 November, the Chairman of the Working Group introduced the report of the Working Group, contained in document A/C.6/53/L.4 (see A/C.6/52/SR.25).

II. Consideration of draft resolution A/C.6/53/L.20/Rev.1

7. At the 35th meeting, on 24 November, the representative of *Argentina* and coordinator of the informal consultations on the draft resolution, introduced a draft resolution entitled "Measures to eliminate international terrorism" (A/C.6/53/L.20/Rev.1), and orally revised operative paragraph 15 by replacing the words "towards the elaboration of the draft international convention for the suppression of terrorist financing" by the words "in the implementation of its mandate".

8. At the same meeting, the Committee adopted draft resolution A/C.6/53/L.20/Rev. 1 as revised, without a vote (see para. 10).

9. After the adoption of the draft resolution, the representatives of Pakistan, the Syrian Arab Republic, Sweden and Iraq made statements in explanation of position (see A/C.6/53/SR.35).

III. Recommendation of the Sixth Committee

10. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Measures to eliminate international terrorism

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling all its relevant resolutions, including resolution 49/60 of 9 December 1994, by which it adopted the Declaration on Measures to Eliminate International Terrorism, and resolutions 50/53 of 11 December 1995, 51/210 of 17 December 1996 and 52/165 of 15 December 1997,

Recalling also the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[2]

Deeply disturbed by the persistence of terrorist acts, which have been carried out worldwide,

Stressing the need to strengthen further international cooperation between States and between international organizations and agencies, regional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed,

Mindful of the need to enhance the role of the United Nations and the relevant specialized agencies in combating international terrorism, and of the proposals of the Secretary-General to enhance the role of the Organization in this respect,

Recalling that in the Declaration on Measures to Eliminate International Terrorism contained in the annex to resolution 49/60 the General Assembly encouraged States to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there was a comprehensive legal framework covering all aspects of the matter,

[2] See resolution 50/6.

Bearing in mind the possibility of considering in the near future the elaboration of a comprehensive convention on international terrorism,

Bearing in mind also that the Twelfth Conference of Heads of State or Government of Non-Aligned Countries, held at Durban, South Africa, on 2 and 3 September 1998,[3] reaffirmed its collective position on terrorism and as a recent initiative called for an international summit conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations,

Recognizing the urgent need to enhance international cooperation to prevent terrorist financing and to develop an appropriate legal instrument,

Having examined the report of the Secretary-General,[4]

1. *Strongly condemns* all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomsoever committed;

2. *Reiterates* that criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstances unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them;

3. *Reiterates its call* upon all States to adopt further measures in accordance with the relevant provisions of international law, including international standards of human rights, to prevent terrorism and to strengthen international cooperation in combating terrorism and, to that end, to consider in particular the implementation of the measures set out in paragraphs 3 (a) to (f) of its resolution 51/210;

4. *Also reiterates its call* upon all States, with the aim of enhancing the efficient implementation of relevant legal instruments, to intensify, as and where appropriate, the exchange of information on facts related to terrorism and, in so doing, to avoid the dissemination of inaccurate or unverified information;

5. *Reiterates its call* upon States to refrain from financing, encouraging, providing training for or otherwise supporting terrorist activities;

6. *Reaffirms* that international cooperation as well as actions by States to combat terrorism should be conducted in conformity with the principles of the Charter of the United Nations, international law and relevant international conventions;

7. *Urges* all States that have not yet done so to consider, as a matter of priority, becoming parties to relevant conventions and protocols as referred to in paragraph 6 of resolution 51/210, as well as the International Convention for the Suppression of Terrorist Bombings,[5] and calls upon all States to enact, as appropriate, domestic legislation necessary to implement the provisions of those conventions and protocols, to ensure that the jurisdiction of their courts enables them to bring to trial the perpetrators of terrorist acts, and to cooperate with and provide support and assistance to other States and relevant international and regional organizations to that end;

8. *Reaffirms* the Declaration on Measures to Eliminate International Terrorism contained in the annex to resolution 49/60 and the Declaration to Supplement the 1994

[3] See A/53/667–S/1998/1071.

[4] A/53/314 and Corr.2 and Add.1.

[5] Resolution 52/164, annex.

Declaration on Measures to Eliminate International Terrorism contained in the annex to resolution 51/210, and calls upon all States to implement them;

9. *Takes note* of the measures aimed at strengthening the capacity of the Centre for International Crime Prevention of the United Nations Secretariat to enhance international cooperation and improve the response of Governments to terrorism in all its forms and manifestations;

10. *Decides* to address at its fifty-fourth session the question of convening a high-level conference in 2000 under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations;

11. *Decides also* that the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 will continue to elaborate a draft international convention for the suppression of acts of nuclear terrorism with a view to completing the instrument and will elaborate the draft of an international convention for the suppression of terrorist financing to supplement related existing international instruments, and subsequently will address means of further developing a comprehensive legal framework of conventions dealing with international terrorism, including considering, on a priority basis, the elaboration of a comprehensive convention on international terrorism;

12. *Decides further* that the Ad Hoc Committee shall meet from 15 to 26 March 1999, devoting appropriate time to the consideration of the outstanding issues relating to the elaboration of a draft international convention for the suppression of acts of nuclear terrorism and that it shall initiate the elaboration of the text of a draft international convention for the suppression of terrorist financing, and recommends that the work continue during the fifty-fourth session of the General Assembly from 27 September to 8 October 1999 within the framework of a working group of the Sixth Committee and that the Ad Hoc Committee be convened in 2000 to continue its work as referred to in paragraph 11 above;

13. *Requests* the Secretary-General to continue to provide the Ad Hoc Committee with the necessary facilities for the performance of its work;

14. *Requests* the Ad Hoc Committee to report to the General Assembly at its fifty-third session in the event of the completion of the draft convention for the suppression of acts of nuclear terrorism;

15. *Also requests* the Ad Hoc Committee to report to the General Assembly at its fifty-fourth session on progress made in the implementation of its mandate;

16. *Decides* to include in the provisional agenda of its fifty-fourth session the item entitled "Measures to eliminate international terrorism".

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Review of the Statute of the Administrative Tribunal of the United Nations

Report of the Sixth Committee

Rapporteur: Mr. Rytis **Paulauskas** (Lithuania)

I. Introduction

1. The item entitled "Review of the Statute of the Administrative Tribunal of the United Nations" was included in the agenda of the fifty-third session of the General Assembly in accordance with Assembly resolution 52/166 of 15 December 1997.

2. At its 3rd plenary meeting, on 15 September 1998, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 24th, 26th and 31st meetings, on 10, 11 and 16 November 1998. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/53/SR.24, 26 and 31).

II. Consideration of draft decision A/C.6/53/L.10

4. At the 26th meeting, on 11 November, the representative of the *United Kingdom of Great Britain and Northern Ireland* introduced a draft decision entitled "Review of the statute of the United Nations Administrative Tribunal" (A/C.6/53/L.10). Subsequently, *France* joined in sponsoring the draft decision.

5. At its 31st meeting, on 16 November, the Committee adopted draft decision A/C.6/53/L.10 without a vote (see para. 6).

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III. Recommendation of the Sixth Committee

6. The Sixth Committee recommends to the General Assembly the adoption of the following draft decision:

Review of the statute of the United Nations Administrative Tribunal

The General Assembly, recalling its resolution 52/166 of 15 December 1997, desiring to review the provisions of the statute of the United Nations Administrative Tribunal, mindful of the comments made by States in this regard at its fifty-third session, decides to include in the provisional agenda of its fifty-fourth session the item entitled "Review of the statute of the United Nations Administrative Tribunal".